

12 KAR 3:042. Statement of caloric content.

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes a uniform procedure for determining the caloric content of dog and cat foods and expressing it on product labels.

Section 1. If the label of a dog or cat food bears a statement of calorie content, all of the following requirements shall be met:

(1) The caloric statement shall be separate from the guaranteed analysis and shall appear under the heading "Calorie Content".

(2) The statement shall be:

(a) In terms of metabolizable energy (ME);

(b) On an as-fed basis; and

(c) Expressed as:

1. "Kilocalories per kilogram" (kcal/kg) of product; or

2. Kilocalories (kcal) per familiar household measure, which shall be a can, cup, pound, or similar designation.

(3) An affidavit shall be provided upon request of the director, substantiating that the calorie content was determined by the method established in paragraph (a) or (b) of this subsection:

(a) Calculation using the Modified Atwater formula:

$$ME \text{ (kcal/kg)} = 10 ((3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE))$$

where CP = percent crude protein as fed, CF = percent crude fat as fed, NFE = percent nitrogen-free extract (carbohydrate) as fed, and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four (4) production batches of the product and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF). The results of all the analyses used in the calculation shall accompany the affidavit, and the claim on the label shall be followed parenthetically by the word 'calculated'; or

(b) Testing using the procedure established by the Association of American Feed Control Officials in the Official Publication. The summary data used in the determination of calorie content shall accompany the affidavit. The value stated on the label shall not exceed or understate the value determined by the Modified Atwater formula by more than fifteen (15) percent.

(4) A comparative claim shall:

(a) Not be false, misleading or given undue emphasis; and

(b) Be based on the same methodology for all products compared.

Section 2. Incorporation by Reference. (1) "Official Publication", (1998 Edition), Association of American Feed Control Officials, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 1810; eff. 1-10-97; Am. 25 Ky.R. 1091; 2364; eff. 4-14-99.)